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APPLICATION NO.	FII	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,603	08/04/2003		John Francis Baxter JR.	21901	1602
21901	7590	02/06/2006		EXAMINER	
SMITH & F	-		GORT, ELAINE L		
15950 BAY \\ SUITE 220	VISTA DE	CIVE	ART UNIT	PAPER NUMBER	
CLEARWAT	TER, FL	33760	3627		

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No. Applicant(s)						
	Office Action Cumpres	10/604,603	BAXTER, JOHN FRANCIS					
	Office Action Summary	Examiner	Art Unit					
		Elaine Gort	3627					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
WHIC - Exter after - If NO - Failu Any r	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DATES IN SIX (6) MONTHS from the mailing date of this communication. Period for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, eply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	TE OF THIS COMMUNICAT 6(a). In no event, however, may a reply bill apply and will expire SIX (6) MONTHS cause the application to become ABANDO	TON.  De timely filed  from the mailing date of this communication.  ONED (35 U.S.C. § 133).					
Status								
1)	Responsive to communication(s) filed on <u>07 Se</u>	eptember 2005.						
2a)□	This action is <b>FINAL</b> . 2b) This action is non-final.							
<u> </u>	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
ř	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Dispositi	on of Claims							
<b>4</b> )⊠	Claim(s) <u>1-35</u> is/are pending in the application.							
	4a) Of the above claim(s) is/are withdrawn from consideration.							
5)	Claim(s) is/are allowed.							
6)□	)□ Claim(s) is/are rejected.							
7)	Claim(s) is/are objected to.							
8)🖂	Claim(s) 1-35 are subject to restriction and/or e	lection requirement.						
Applicati	on Papers							
9)☐ The specification is objected to by the Examiner.								
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
	Replacement drawing sheet(s) including the correction	on is required if the drawing(s) is	objected to. See 37 CFR 1.121(d).					
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority u	nder 35 U.S.C. § 119							
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ul>								
* S	ee the attached detailed Office action for a list of	of the certified copies not rece	eived.					
Attachment	• •							
	of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summ Paper No(s)/Ma						
3) 🔲 Inform	nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) No(s)/Mail Date		al Patent Application (PTO-152)					

Application/Control Number: 10/604,603

Art Unit: 3627

## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-7 and 31-35, drawn to a method of presenting purchasing information on a DVD, classified in class 705, subclass 27.
- II. Claims 8-24, drawn to computer software for creating video menu structures on a DVD, classified in class 360, subclass 135.
- III. Claims 25-29, drawn to a method of generating pre-production revenue for DVD video content, classified in class 705, subclass 14.
- IV.. Claims 30, drawn to a method of distributing DVDs, classified in class 705, subclass 10.

The inventions are distinct, each from the other because of the following reasons:

Inventions I., II. III. and IV. are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I. has separate utility such as allowing users of the DVD to obtain data on advertised goods. See MPEP § 806.05(d).

Inventions I., II. III. and IV. are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II. has separate utility such as allowing the production of a promotional DVD. See MPEP § 806.05(d).

Application/Control Number: 10/604,603

Art Unit: 3627

Inventions I., II. III. and IV. are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III. has separate utility such as allowing revenue to be generated for advertising on a DVD. See MPEP § 806.05(d).

Inventions I., II. III. and IV. are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV. has separate utility such as allowing the targeting of users for specific and varied advertising. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above, because the search required for each Invention is not required for the other Inventions, and because the inventions have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is 571/272-6781. The examiner can normally be reached on Monday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571/272-6771. The fax phone

Art Unit: 3627

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 3, 2006

Elaine Gort Examiner Art Unit 3627